

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

Docket No. 2009-473-WS

In Re:)
)
Application of Tega Cay Water)
Service, Inc. for Adjustment of)
Rates and Charges and Modifications)
to certain Terms and Conditions for)
the Provision of Water and Sewer)
Service.)
_____)

CITY OF TEGA CAY'S MOTION FOR EXTENSION OF TIME

PURSUANT TO Reg. 103-829(A) and 103-831, City of Tega Cay, South Carolina (City) hereby moves for an extension of time beyond May 10, 2010 within which City must pre-file with the Commission the direct testimony and exhibits of the witnesses it intends to present (Motion). In support of its Motion, City respectfully submits as follows.

1. Under Reg. 103-831, an extension of time “may be granted by the commission for good cause shown.” South Carolina Elec. and Gas Co. v. Public Service Comm., 272 S.C. 316, 320, 251 S.E.2d 753, 755 (1979). Reg. 103-831 makes Rule 6, SCRPC, applicable to the computation of time in proceedings before the Commission. “There is little case law on what exactly constitutes good cause under Rule 6.” Bonds v. Electrolux Home Products, Inc., 2006 WL 3955825, *3 (D.S.C. 2006) (Finding good cause for an extension based on an illness in an attorney’s family.). A motion for extension of time made pursuant to Rule 6, SCRPC, “is directed to the trial court’s discretion. . .” Id.

2. Tega Cay Water Service, Inc. (Applicant) pre-filed its direct testimony and exhibits on April 26, 2010.

3. City provided the testimony to its expert, Gerald C. Hartman of GAI Consultants (Hartman), for his review in preparation of his direct testimony.

4. As further detailed in the attached Affidavit of Hartman, the direct testimony filed by Applicant is extremely vague and lacks detail to such an extent that City will have an additional burden to provide a full and complete response to this testimony.

5. Such additional burden would include propounding written discovery on Applicant and noticing and taking depositions of certain employees and consultants of Applicant. These tasks cannot be realistically completed in time for the City to file responsive testimony by May 10, 2010.

6. In order to respond fully to the testimony of Applicant, City would need through June 15, 2010 within which to prepare, file and serve its responsive testimony.

WHEREFORE, City asks that the Commission grant this Motion and allow City through June 15, 2010, within which to pre-file with the Commission the direct testimony and exhibits of the witnesses City intends to present, with subsequent deadlines extended respectively to account for this extension.

Charlotte, NC

Date: 05/03/2010

DRISCOLL SHEEDY, P.A.

By: s/ James W. Sheedy _____

James W. Sheedy

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ATTORNEYS FOR CITY

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AFFIDAVIT OF GERALD C. HARTMAN

PERSONALLY APPEARED before me Gerald C. Hartman who, being duly sworn,
deposes and says that:

1. He is a Vice President of GAI Consultants, Inc., a corporation that offers water engineering and consulting services to both public and private sector utility clients throughout the United States, with a range of experience in project procurement strategy, measurement strategy design, rate analysis, permitting, capacity analysis reports, operation optimization, pilot studies, alternative evaluation, project scheduling review and capital project planning.

2. He was hired by City of Tega Cay, South Carolina (City) to provide expert testimony and consultation services in the above captioned matter.

3. In his capacity as an expert witness, he has reviewed the pre-filed testimony of Tega Cay Water Service, Inc. (Applicant) that was filed April 26, 2010.

4. In his opinion, the testimony filed by Applicant provides minimal detail and minimal justification for the requested rate increase.

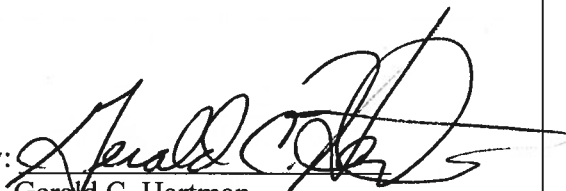
5. As a result of the minimal nature of the filed testimony, it is unrealistic to require City to file responsive testimony by May 10, 2010, given that certain discovery, including depositions of Applicant's staff and consultants, is necessary for City to prepare an appropriate opposition to the rate increase.

6. An extended period of time would allow City to propound discovery on Applicant in the areas of operation and maintenance expenses (especially electricity and chemicals), inflow and infiltration effects and related costs and investment in the Applicant's system.

7. It is his opinion that the requisite tasks could be performed by City and responsive testimony could be filed by June 15, 2010.

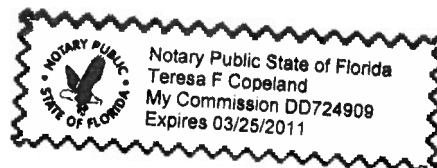
Further the Affiant sayeth not.

By:


Gerald C. Hartman
Vice President
GAI Consultants, Inc.

Sworn to and subscribed before me
this 30 day of April, 2010.


Notary Public for State of Florida
My Commission Expires: 3/25/2011



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I certify that the foregoing City of Tega Cay's Motion for Extension of Time has been served on the following at the addresses shown below, via First Class, U.S. Mail, postage-paid on the date set forth below.

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Charlotte, NC

Date: 05/03/2010

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